

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YI SUN,

Plaintiff,

No. 18 Civ. 11002 (LTS)(SN)

-against-

NEW YORK CITY POLICE
DEPARTMENT, et al.,

Defendants.

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YI SUN,

Plaintiff,

No. 19 Civ. 10858 (LTS)(SN)

-against-

SASLOVSKY, ESQ. et al.,

Defendants.

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ORDER

The Court has received and reviewed Plaintiff's letter dated October 13, 2020. (Docket Entry Nos. 62, 128.) In her letter, Plaintiff requests confirmation that her notices of appeal and payments were received and processed properly, and clarification as to this Court's authority to issue its most recent order denying her motion to disqualify the Court. (Docket Entry Nos. 62, 128.) With regard to Plaintiff's notices of appeal, they were docketed in each case and transmitted to the U.S. Court of Appeals for the Second Circuit in accordance with the Court's usual procedures for processing pro se submissions that are dropped off in hard copy. As reflected on the docket, Plaintiff's notices of appeal were stamped as received on October 3, 2020, and entered on October 9, 2020. (Docket Entry Nos. 59, 126.) The Court has made inquiries regarding

Plaintiff's alleged payments towards her appellate fee. The Clerk's Office has informed the undersigned that this Court has not received any payment in connection with Plaintiff's notices of appeal, as no payments were recovered from the Court's deposit box along with Plaintiff's notices of appeal. The administrative manager for the Second Circuit Court of Appeals has received Plaintiff's documents submitted by drop box, but no payments were enclosed.

With regard to the Court's order denying Plaintiff's motion to disqualify the Court pursuant to 28 U.S.C. §§ 351 et seq., the Court explained in that order that Plaintiff's request was improperly directed to this Court because such complaints are properly directed to the clerk of the court of appeals for the circuit. 28 U.S.C. § 351(a). Chief Judge McMahon communicated the same information to Plaintiff in her endorsed letter dated Sept. 21, 2020. (Docket Entry No. 121.) The filing of such a request does not automatically preclude the assigned district judge from continuing to preside over the case, and this Court has not been informed that any action has been taken by the court of appeals to date to change the assignment of this case. To the extent the recusal request was directed to the undersigned as the presiding judge in this case, it was denied because, as explained in the Court's order, the application proffered no proper ground for the accusation of bias.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

The Clerk of Court is respectfully directed to file a copy of this order in each of the above-captioned matters. Chambers will provide a copy of this order to Plaintiff.

SO ORDERED.

Dated: New York, New York
October 22, 2020

Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

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